

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 27, 2001**

## DIVISION TWO

B146548 People v. James (Certified for Publication)

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The judgment is reversed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B143635 People (Not for Publication)  
v.  
Miles

The judgment is modified to reflect 170 days of presentence conduct credit, for a total of 512 days of presentence credit. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Cooper, J.

August 27, 2001-Continued

## DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B146442 People (Not for Publication)  
v.  
Butekia B.,

The orders of the juvenile court are affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B139780 Guerra (Not for Publication)  
v.  
State of California

The judgment is affirmed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

August 27, 2001-Continued

## DIVISION TWO (Continued)

B138605      Hornwood      (Not for Publication)  
v.  
Gourmet Faire, Inc., et al.

The judgment is affirmed.

Boren, P.J.

We concur:    Cooper, J.  
                         Todd, J.

B140291 State Farm Mutual Automobile Insurance Company (Not for Publication)  
v.  
Rex K. De George

The judgment (order of dismissal) is reversed.

Boren, P.J.

We concur:   Nott, J.  
                      Todd, J.

B144457      Lam                                  (Not for Publication)  
v.  
Shek  
Countrywide Home Loans, Inc.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.  
Cooper, J.

DIVISION FOUR

B146295      Prata      (Certified for Publication)

v.

Superior Court, Los Angeles County  
(Bank One, r.p.i.)

The petition for writ of mandate is granted. Respondent court is directed to vacate its rulings that petitioner has failed to state a cause of action under the UCL and that he may not bring a representative action under that statute; the court is directed to take further action in this case consistent with this opinion. Petitioner shall have his costs in this proceeding. (Cal. Rules of Court, rule 56.4.)

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

B142064      Lollicup Usa Inc., et al.      (Not for Publication)

v.

Dodonna Corp., et al.

The judgment is reversed. Appellant(s) to recover costs.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Curry, J.

B144731      Edel Industries Co., Ltd.      (Not for Publication)

v.

Jas Forwarding (Usa), Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Epstein, J.

We concur:    Vogel (C.S.), P.J.  
                     Hastings, J.

August 27, 2001-Continued

## DIVISION FOUR (Continued)

[illegible]

We remand the matter to the trial court for amendment of the abstract of judgment. The judgment is otherwise affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.  
Curry, J.

B145334      People                                  (Not for Publication)  
v.  
Kirk Schwoebel

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.  
Hastings, J.

DIVISION SIX

B143566      Dandona      (Certified for Publication)  
v.  
Araluce

The order is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SEVEN

B126141      Silgan Containers Corp.      (Not for Publication)  
v.  
Federal Insurance Company  
Royal Indemnity Company, defendant and respondent

The judgment is reversed to the extent that it granted summary adjudication in favor of Federal on the fourth cause of action in the first amended complaint for breach of the covenant of good faith and fair dealing, and the matter is remanded for additional proceedings consistent with the views expressed herein. The judgment is also reversed to the extent that the trial court denied Silgan's motion for prejudgment interest on the claim for \$1 million in connection with the initial settlement, and \$1,081,305.00 in connection with the salvage claim, and the matter is remanded with directions to enter an order granting Silgan's request for prejudgment interest on these liquidated sums.

Silgan's appeal of the order sustaining demurrer to the contract action in the second amended complaint, and the order denying Silgan's request for leave to amend the complaint to add allegations related to the salvage claim are dismissed.

In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal.

Boland, J. (Assigned)

We concur: Lillie, P.J.  
Woods, J.

B147489      People      (Not for Publication)  
v.  
Adolfo C.  
In re Adolfo C., a Person Coming Under the Juvenile Court Law.

The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.  
Boland, J. (Assigned)

August 27, 2001-Continued

## DIVISION SEVEN (Continued)

B146310 People (Not for Publication)  
v.  
Wussow

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.  
Boland, J. (Assigned)

B146545 People (Not for Publication)  
v.  
Brewer

The order of dismissal is affirmed.

Lillie, P.J.

I concur: Johnson, J.  
I dissent: Woods, J. (Opinion)

B140643 People (Not for Publication)  
v.  
International Fidelity Insurance Company

The order denying IFIC's motion to set aside summary judgment is reversed and on remand the trial court is directed to grant that part of the motion seeking to set aside the May 7, 1999, summary judgment and to deny the motion in all other respects. Appellant is to bear its own costs on appeal.

Lillie, P.J.

We concur:   Johnson, J.  
                      Boland, J. (Assigned)

DIVISION SEVEN (Continued)

B144740      Goebel et al.                      (Not for Publication)  
                 v.  
                 McClellan

The judgment is affirmed. McClellan is entitled to costs on appeal.

Lillie, P.J.

We concur:    Woods, J.  
                 Boland, J. (Assigned)